



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/173,423 10/15/98 DEICHMANN

R WW-8

EXAMINER

PM82/0313

HENRY W CUMMINGS
3313 W ADAMS ST
ST CHARLES MO 63301

THOMSON, M

ART UNIT	PAPER NUMBER
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3641

DATE MAILED:

03/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action

Application No.

09/173,423

Applicant(s)

DEICHMANN ET AL.

Examiner

Art Unit

Michelle (Shelley) Thomson

3641

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

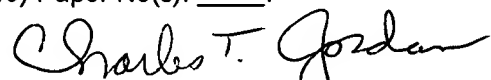
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

4. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: 7-38.
- Claim(s) objected to: _____.
- Claim(s) rejected: 39.
- Claim(s) withdrawn from consideration: _____.
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. ☒ Other: See Continuation Sheet


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER

Continuation of 4. Applicant's reply has overcome the following rejection(s): The reply has corrected some of the numerous spelling and grammatical errors..

Continuation of 11. Other: The numerous errors concerning the reference characters as detailed in paper No. 12 are still outstanding: The specification is objected to because numerous reference characters have been used to designate more than one object, for example:

reference character "45" has been used to designate both "horizontal portion" and "curved portion";
reference character "44" has been used to designate "lower end", "stand portion", and "stand end portion";
reference character "73" has been used to designate both "first end" and "barrel end portion";
reference character "81a" has been used to designate both "slots" and "openings";
reference character " 84" has been used to designate "resilient stop", "floating stops", and "dogs".

The specification is objected to because multiple reference characters have been used to designate the same part, for example:
reference characters "71" and "75" have both been used to designate "barrel";
reference characters "87" and "78" have both been used to designate "set screws".

Applicant is reminded that 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." Careful revision of the specification is required in order to correct the numerous outstanding errors in order to comply with 35 U.S.C. 112, first paragraph.

Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 2 and 3 "said stop openings" and "said bumper openings" has no positive antecedent basis, since "stop openings" and "bumper openings" have not been previously claimed.

Applicant is reminded of the telephone interview on 2/9/01 with Mike Carone, in which Applicant agreed to cancel "and mixtures thereof" in Claim 25. Applicant is also reminded of the telephone interview on 1/24/01 with M. Thomson, in which the Applicant agreed that the structure of the valves and conduits of Claim 25 would not be usable with the claimed solid and therefore "solid" should be canceled from Claim 25.

In response to applicants assertion that the changes in 2, 4, and 5 of the response have been corrected in previous ammendments, the amendments have been carefully reviewed and it has been determined that applicants have not made the claimed amendments. Applicant is reminded that the amendments filed in paper number 8 was not entered due to the inability to match the amendments with the corresponding specification. In response to number 6 of the response applicant is reminded of the interview on 1/24/01 with M. Thomson in which the examiner asserted that even though "solids" are supported in the specification, the structure of Claim 25 does not support a solid. .